

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	
	:	CHAPTER 13
SHAWN MCNAMEE	:	
xxx-xx-7162	:	
ANDREA E. MCNAMEE	:	
xxx-xx-7285	:	
Debtors.	:	CASE NO. 19-17731/ELF
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Dwelling Series IV Trust	:	
	:	
Movant,	:	
v.	:	Courtroom Number 1
	:	
Shawn and Andrea McNamee	:	Hearing Date: March 8, 2022 @ 9:30 am
	:	
Debtors,	:	
And	:	
	:	
KENNETH E. WEST	:	
	:	
Trustee,	:	
	:	
Respondents.	:	
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**MOTION OF DWELLING SERIES IV TRUST FOR RELIEF FROM THE  
AUTOMATIC STAY TO PERMIT MOVANT TO EXERCISE ITS RIGHTS UNDER  
STATE LAW AGAINST CERTAIN REALTY KNOWN AS  
659 HAUNTED LANE, BENSALEM, PA 19020**

Movant, by its Attorney, Romano Garubo & Argentieri, Emmanuel J. Argentieri, Esquire appearing, hereby requests a modification of the automatic stay and leave so it can exercise its rights under state law against certain realty and avers as follows:

1. Movant is Dwelling Series IV Trust (hereinafter "Movant").
2. Movant is the holder of a Note secured by a mortgage on the Debtors' realty commonly known as 659 Haunted Lane, Bensalem, PA 19020. **(Please see Exhibit "A" attached hereto and incorporated herein).**
3. Debtors' Chapter 13 petition was filed December 11, 2019.

4. The amount of Debtors' post-petition mortgage payment is \$1,284.63.
5. Debtors should have made (26) payments outside of the plan since the date of filing petition.
6. Since the date of filing, Debtors have only made (21) payments to Movant.
7. Debtors are behind (5) payments outside the plan, through the payment due February 1, 2022.
8. The total amount of delinquency outside the plan is \$5,578.99.  
The amount is computed in the following manner:
  - a) 10/1/21 through 1/1/22 post-petition payments at \$1,284.63 each: \$5,138.52
  - b) 2/1/22 post-petition payment at \$1,290.60 each: \$1,290.60
  - c) Less suspense balance of \$850.13
9. Pursuant to the foregoing, Movant contends that cause exists to grant it relief from the Automatic Stay. Movant is not adequately protected. Accordingly, Movant is entitled to relief from the automatic stay under 11 *U.S.C.* §362(d)(1).
10. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen day period.
11. Movant has had to incur legal fees as a result of the prosecution of this Motion.
12. The other Respondent is the Chapter 13 Trustee appointed in the above-captioned chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that the Court enter an Order which grants it relief from the Automatic Stay, along with all other relief the Court deems just and equitable under the circumstances.

ROMANO GARUBO & ARGENTIERI  
Attorneys for Movant

By: /s/ Emmanuel J. Argentieri  
Emmanuel J. Argentieri, Esquire  
PA Attorney ID No. 59264

Dated: February 8, 2022

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